

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSE GALLIMORT,
Plaintiff,

v.

ROMEO ARANAS, et al.,
Defendants.

Case No. 2:19-cv-00514-RFB-EJY

ORDER

This action began with a *pro se* civil rights complaint filed under 42 U.S.C. § 1983 by a former state prisoner. On July 21, 2020, the Court entered a screening order. (ECF No. 6). The screening order imposed a stay, and the Court entered a subsequent order assigning the case to mediation by a court-appointed mediator.¹ (ECF Nos. 6, 10). On December 18, 2020, the parties engaged in a mediation conference. (ECF No. 13.) The Office of the Attorney General has filed a status report indicating that settlement was not reached and informing the Court of its intent to proceed with this action. (ECF No. 14).

IT IS THEREFORE ORDERED that:

1. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy of Plaintiff's complaint (ECF No. 7) on the Office of the Attorney General of the State of Nevada, by adding the Attorney General of the State of Nevada to the docket sheet. This does not indicate acceptance of service.

2. Service must be perfected within ninety (90) days from the date of this order pursuant to Fed. R. Civ. P. 4(m).

3. Subject to the findings of the screening order (ECF No. 6), within **twenty-one (21) days** of the date of entry of this order, the Attorney General's Office shall file a notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of the defendants for whom it does not accept service, and (c) the names of the defendants

¹ The screening order also granted Plaintiff's application to proceed in district court without prepaying fees or costs. (ECF No. 6 at 6.) Plaintiff is not subject to the requirements of 28 U.S.C. § 1915(a)(2), (b) because he is no longer a "prisoner" within the meaning of the statute. See 28 U.S.C. § 1915(h).

1 for whom it is filing the last-known-address information under seal. As to any of the named
2 defendants for whom the Attorney General's Office cannot accept service, the Attorney General's
3 Office shall file, *under seal*, but shall not serve the Plaintiff the last known address(es) of those
4 defendant(s) for whom it has such information. If the last known address of the defendant(s) is a
5 post office box, the Attorney General's Office shall attempt to obtain and provide the last known
6 physical address(es).

7 4. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file
8 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying
9 a full name and address for the defendant(s). For the defendant(s) as to which the Attorney
10 General's Office has not provided last-known-address information, Plaintiff shall provide the full
11 name and address for the defendant(s).

12 5. If the Attorney General accepts service of process for any named defendant(s), such
13 defendant(s) shall file and serve an answer or other response to the complaint within **sixty (60)**
14 **days** from the date of this order.

15 6. Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by
16 counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for
17 consideration by the Court. If Plaintiff electronically files a document with the Court's electronic-
18 filing system, no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-
19 1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the document to the Court, Plaintiff shall
20 include with the original document submitted for filing a certificate stating the date that a true and
21 correct copy of the document was mailed to the defendants or counsel for the defendants. If
22 counsel has entered a notice of appearance, Plaintiff shall direct service to the individual attorney
23 named in the notice of appearance, at the physical or electronic address stated therein. The Court
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1 may disregard any document received by a district judge or magistrate judge which has not been
2 filed with the Clerk, and any document received by a district judge, magistrate judge, or the Clerk
3 which fails to include a certificate showing proper service when required.

4 7. This case is no longer stayed.

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6 DATED this 22nd day of December 2020.

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8 ELAYNA J. YOUCHAK
9 UNITED STATES MAGISTRATE JUDGE
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